

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 19-cr-20128
Hon. BERNARD A. FRIEDMAN

vs.

TARA LYNN LEE,

Defendant.

SARA D. WOODWARD
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**DEFENSE COUNSEL'S MOTION TO WITHDRAW, TO APPOINT SUBSTITUTE
COUNSEL AND TO ADJOURN SENTENCING AT THE REQUEST OF THE
DEFENDANT, TARA LYNN LEE**

NOW COMES the undersigned and submits this Motion to Withdraw, to Appoint Alternate and Substitute Counsel and to Adjourn Sentencing at the Request of the Defendant, TARA LYNN LEE for the following reason.

1. The defendant, TARA LYNN LEE, was charged in a Criminal Complaint with Wire Fraud. (R. 1, Criminal Complaint, January 10, 2019)

2. The defendant retained the undersigned, an appearance as retained counsel was filed and counsel appeared with the defendant at the initial appearance at which time a \$10,000.00 unsecured bond was set. (R. 8, Appearance of Counsel, January 11, 2019)

3. Between January and March 5, 2019 the Government filed two motions to revoke the defendant's bond. The first was denied and additional terms and conditions were added. However, the magistrate granted the Government's second motion and the defendant was thereafter detained. (R. 17, 2nd Motion to Revoke Bond, March 5, 2019).

4. The defendant was indicted on March 7, 2019 with multiple counts of wire fraud in a detailed indictment that involved numerous birth mothers and prospective adoptive families. Discovery is voluminous. The defendant has been held in the Midland County Jail without bond since being detained.

5. A motion to revoke the order of detention was filed on March 22, 2019 and a renewed motion to revoke the order of detention was filed on July 22, 2019. The court denied the motions.

6. Given the amount of discovery, the complexity of the charges, the distance of the defendant who has remained in Midland County Jail in Midland, Michigan and the defendant's lack of resources, the undersigned filed a motion at the request of the defendant to allow the undersign to serve as appointed counsel. This Court granted the motion on April 4, 2019. (R. 40, Order Appointing Counsel).

7. On July 18, 2019, the defendant was indicted in a First Superseding Indictment which charged her with twenty-four (24) separate counts of wire fraud. (R. 47, First Superseding Indictment).

8. After reviewing the discovery with the defendant, extensive negotiations with the Government and visits with the defendant a plea agreement was reached and on August 20, 2019 and at the specific request of the defendant, a plea was tendered. (R. 70, Plea Agreement).

9. Sentencing is scheduled for November 19, 2019 and the Government has indicated that sentencing will likely be extensive given the anticipated sentencing issues, the number of victims who wish to address the court, allocution and argument.

10. In addition to the extensive discovery, the Government has recently served upon the defense a significant number of victim statements that need to be reviewed.

11. The defendant, TARA LEE, has recently expressed her dissatisfaction with the course of her case. She has indicated that she does not believe her attorney adequately addressed bond or sought a more favorable plea agreement and has requested that this Court appoint her alternative or substitute counsel.

12. Until this point there has been no indication that the defendant has been dissatisfied with counsel and in fact acknowledged the very opposite during her colloquy with the court at the time of her plea. Nevertheless, she has requested that the undersigned file this motion requesting that the court appoint her new counsel. Given the amount of discovery, the issues at sentencing, the victim statements and the procedural history and the fact that the presentence investigation report has yet to be received, it is unlikely that sentencing can proceed on November 19, 2019 as scheduled.

13. The defendant appears to believe that there has been a breakdown in communication between her current assigned counsel and believes newly assigned counsel will more effectively communicate with her and provide a more desirable result.

14. The undersign will leave the issue of withdrawal of counsel in the court's discretion but would ask that this issue be addressed as expeditiously as possible.

WHEREFORE, Defendant, TARA LYNN LEE, respectfully requests this Honorable Court grant this Motion to Withdraw, to Appoint Alternate and Substitute Counsel and to Adjourn Sentencing at the Request of the Defendant, TARA LYNN LEE for reasons stated.

Respectfully submitted,

s/Sanford A. Schulman
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Date: October 21, 2019

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_____ /

**BRIEF IN SUPPORT OF DEFENSE COUNSEL'S MOTION TO WITHDRAW, TO
APPOINT SUBSTITUTE COUNSEL AND TO ADJOURN SENTENCING AT THE
REQUEST OF THE DEFENDANT, TARA LYNN LEE**

NOW COMES the undersigned and submits this Brief in Support of this Motion to Withdraw, to Appoint Alternate and Substitute Counsel and to Adjourn Sentencing at the Request of the Defendant, TARA LYNN LEE for the following reason.

ARGUMENT

The defendant has a Sixth Amendment right to effective assistance of counsel. See Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984).

The defendant is seeking substitute appointed counsel because she does not believe her current assigned counsel has provided the results that she has hoped for and she believes there is a break-down in the communication.

Granting this Motion to Withdraw and appointing the defendant alternate counsel will likely delay sentencing but it is the defendant who will suffer any prejudice as she will likely remain in the Midland County Jail.

This Court has the discretion to allow counsel to withdraw and to decide whether a defendant is entitled to appointed counsel pursuant to the Criminal Justice Act (CJA) and whether substitute appointed counsel should be ordered. There have been no previous appointments of counsel and counsel was initially retained.

WHEREFORE, Defendant, TARA LYNN LEE, respectfully requests this Honorable Court grant this Motion to Withdraw, to Appoint Alternate and Substitute Counsel and to Adjourn Sentencing at the Request of the Defendant, TARA LYNN LEE for reasons stated.

Respectfully submitted,

s/Sanford A. Schulman
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